

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: Packes *et al.*
Application No.: 09/714,574
Filed: November 16, 2000
Title: METHOD OF OUTPUTTING OFFERS AT A VENDING
MACHINE FIELD

Attorney Docket No.: 00-068

Group Art Unit: 3622
Examiner: Arthur D. Duran

***Reply Under 37 C.F.R. §1.116 – Expedited Procedure
Technology Center 3600***

**AMENDMENT and RESPONSE
to the Final Office Action mailed January 25, 2007**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

In response to the Final Office Action mailed January 25, 2007, please enter the following amendments and consider the following remarks.

Following is a detailed listing of all claims that are, or were, in the application. A status identifier is provided for every claim and the current text of every claim is presented, unless the claim has been cancelled or not entered. Current amendments to the claims are expressed in the detailed listing by strikethrough or double brackets (for deleted matter) or underlining (for added matter).

AMENDMENT TO THE CLAIMS

1. (Previously presented) A method of operating a vending machine, comprising:
receiving, from a customer, a request for a transaction at the vending machine;
identifying a state of a service queue at a retail establishment; and
outputting to the customer at the vending machine, a coupon that is redeemable at the retail establishment, in response to the received request, based on the identified state of a service queue at the retail establishment.
2. (Previously presented) The method of claim 1, wherein the outputted coupon is redeemable at the retail establishment.
3. (Previously presented) The method of claim 1, wherein the outputted coupon includes a redemption code.
- 4-8. (Cancelled)
9. (Original) The method of claim 1, wherein the request is for dispensing a product from the vending machine.
10. (Previously presented) The method of claim 1, further comprising the step of storing at the vending machine data representative of the coupon.
11. (Previously presented) The method of claim 1, further comprising the step of selecting the coupon from among a plurality of coupons.
12. (Original) The method of claim 11, wherein the selecting step includes generating a selection signal at the retail establishment.
13. (Previously presented) A method of operating a vending machine, comprising:
receiving, from a customer, a request to dispense an item at the vending machine;

determining, by the vending machine, that the item cannot be dispensed by the vending machine; and

outputting to the customer a coupon for the item to be redeemed at a retail establishment, wherein the outputting is conducted based on the determination that the item cannot be dispensed.

14. (Previously presented) The method of claim 13, wherein the outputted coupon is redeemable at a retail establishment.

15. (Previously presented) The method of claim 13, wherein the outputting is further based on a predetermined condition being identified at the retail establishment.

16. (Previously presented) The method of claim 13, wherein the determining step includes determining whether the vending machine is out of stock of the item.

17. (Previously presented) A method of operating a vending machine, comprising:
determining a state of a service queue at a retail establishment;
in response to the determined state, transmitting a signal to the vending machine from the retail establishment; and
in response to the signal, outputting to a customer at the vending machine a coupon that is redeemable at the retail establishment.

18. (Previously presented) The method of claim 17, wherein the coupon is outputted upon the customer requesting a transaction at the vending machine.

19. (Previously presented) The method of claim 17, wherein the signal is transmitted by a human operator.

20. (Previously presented) The method of claim 17, wherein the signal is generated and transmitted automatically.

21. (Previously presented) The method of claim 17, wherein the signal is transmitted directly from the retail establishment to the vending machine.

22. (Previously presented) The method of claim 17, wherein the signal is transmitted from the retail establishment to the vending machine by way of a controller located remotely from the retail establishment.

23. (Previously presented) A system for selectively causing a vending machine to output coupons, the system comprising:

detection means that are located at a retail establishment for detecting whether a predetermined condition exists at the retail establishment; and

a vending machine including:

offer means for selectively outputting a coupon, the offer means selective upon the detection of the predetermined condition; and

communication means for allowing data communication between said detection means and said offer means.

24. (Previously presented) The system of claim 23, wherein said communication means includes a controller connected for data communication with said detection means and said offer means.

25. (Original) The system of claim 23, wherein said vending machine is installed outside said retail establishment.

26. (Original) The system of claim 25, wherein said vending machine is located remotely from said retail establishment.

27. (Previously presented) A system for selectively causing a vending machine to output coupons, the system comprising:

trigger means for generating a signal at a retail establishment; and

a vending machine including:

offer means for selectively outputting a coupon;

said offer means being responsive to said signal by outputting a coupon upon the vending machine receiving a transaction request.

28. (Previously presented) A method of operating a vending machine, comprising:
detecting, via the vending machine, a customer in proximity to the vending machine;

identifying a condition at a retail establishment; and

based on the identified condition, outputting to the detected customer, a coupon that that is redeemable at the retail establishment.

29. (Previously presented) A method of operating a vending machine, comprising:
determining whether a predetermined condition exists at a plurality of retail establishments;

transmitting a signal to the vending machine, the transmitting in response to the existence of the predetermined condition at at least one of the plurality of retail establishments;

in response to the signal, selecting one retail establishment from the at least one of the plurality of retail establishments; and

outputting to a customer at the vending machine an offer that that is redeemable at the one selected retail establishment.

30. (Previously presented) A method, comprising:

determining, by a vending machine, an indication of a transaction request of a customer;

processing, by the vending machine, a transaction associated with the customer's transaction request;

determining, by the vending machine, a qualifying condition;

determining, by the vending machine, that the qualification condition is satisfied at least in part based on a state associated with a retail establishment; and

outputting, by the vending machine and based at least in part on the determination that the qualification condition is satisfied, an offer to the customer.

31. (Previously presented) The method of claim 30, wherein the determination of the qualifying condition is conducted after the processing of the transaction.

32. (Previously presented) The method of claim 30, wherein the determination that the qualifying condition is satisfied is conducted after the processing of the transaction.

33. (Previously presented) The method of claim 30, wherein the outputting of the offer is conducted after the processing of the transaction.

34. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition based on hours of operation associated with the retail establishment.

35. (Previously presented) The method of claim 34, wherein the qualifying condition comprises a condition that the retail establishment be open for business.

36. (Previously presented) The method of claim 34, wherein the qualifying condition comprises a condition that the retail establishment be open for business for at least a minimum amount of time after a current time.

37. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition that less than a threshold number of people be currently awaiting service at the retail establishment.

38. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition that the retail establishment be experiencing less than a threshold rate of transactions.

39. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition based on an inventory state of the retail establishment.

40. (Previously presented) The method of claim 39, wherein the qualifying condition comprises a condition that the retail establishment currently have a particular product in stock.

41. (Previously presented) The method of claim 30, wherein the qualification condition is further satisfied at least in part based on a state associated with the vending machine.

42. (Previously presented) The method of claim 41, wherein the qualifying condition comprises a condition that a product associated with the transaction be currently out of stock at the vending machine.

43. (Previously presented) The method of claim 42, wherein the offer comprises a coupon for a discount on the out of stock product.

44. (Previously presented) The method of claim 43, wherein the discount is applicable to a purchase of the product at the retail establishment.

45. (Currently amended) The method of claim ~~[[40]]~~41, wherein the qualifying condition comprises a condition that the vending machine currently have a low inventory of a product associated with the transaction.

46. (Currently amended) The method of claim ~~[[40]]~~41, wherein the qualifying condition comprises a condition that the vending machine currently be low on change.

47. (Currently amended) The method of claim ~~[[40]]~~41, wherein the qualifying condition comprises a condition that the vending machine currently be out of change.

48. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition based at least in part on traffic.

49. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition based at least in part on weather.

50. (Previously presented) The method of claim 30, wherein the qualifying condition comprises a condition based at least in part on a number of offers that have been recently been output to other customers.

51. (Previously presented) The method of claim 30, wherein the outputting comprises transmitting an indication of the offer to a device associated with the customer.

52. (Previously presented) The method of claim 51, wherein the customer device comprises a mobile terminal.

53. (Previously presented) The method of claim 52, wherein the mobile terminal comprises one or more of a cellular telephone and a Personal Digital Assistant (PDA).

54. (Previously presented) A system, comprising:

a vending machine associated with a retail establishment, the vending machine operable to:

determine an indication of a transaction request of a customer;

processes a transaction associated with the customer's transaction request;

determine a qualifying condition;

determine that the qualification condition is satisfied at least in part based on a state associated with the retail establishment; and

output, based at least in part on the determination that the qualification condition is satisfied, an offer to the customer;

a sensor operatively coupled to determine the state associated with the retail establishment; and

a point-of-sale terminal of the retail establishment, the point-of-sale terminal in communication with the sensor and the vending machine, and wherein the point-of-sale terminal is operable to:

receive, from the sensor, an indication of the detected state associated with the retail establishment; and

transmit, to the vending machine, the indication of the detected state associated with the retail establishment.

55. (Previously presented) The system of claim 54, wherein the transmitting is operable to be conducted upon the elapse of a pre-determined time interval.

56. (Previously presented) The system of claim 54, wherein the transmitting is operable to be conducted upon a determination of a change in the state associated with the retail establishment.

[[57]]61. (Currently amended) The system of claim 54, wherein the state associated with the retail establishment comprises a rate of transactions at the retail establishment.

57. (Previously presented) The system of claim 54, wherein the state associated with the retail establishment comprises a number of people waiting for service at the retail establishment.

58. (Previously presented) The system of claim 57, wherein the sensor comprises one or more of a motion detector and an infrared sensor.

59. (Previously presented) The system of claim 57, further comprising:
a camera operable to capture images associated with the number of people waiting for service at the retail establishment, the camera being in communication with the sensor.

60. (Previously presented) The system of claim 59, wherein the sensor comprises a digital image analysis device operable to:

- receive the images captured by the camera; and
- analyze the received images to determine the state associated with the retail establishment.

REMARKS**I. Introduction**

Claims **1-3** and **9-61**¹ are currently pending in the present application. Claims **1, 13, 17, 23, 27-30, and 54** are independent.

Upon entry of this amendment, which is respectfully requested, claims **45-47** will be amended solely to correct typographical errors relating to proper dependency of such claims and claim **57** (the first of two (2) such numbered claims) will be re-numbered to be claim **61**. No new matter is introduced by these amendments, and these amendments are intended solely to clarify issues and reduce confusion related to the pending Appeal.

II. Conclusion

If there are any questions regarding the present application or the amendments presented herein, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via electronic mail at cfincham@walkerdigital.com, at the Examiner's convenience.

III. Petition for Extension of Time to Respond

While no fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

May 15, 2007

Date

/Carson C.K. Fincham, Reg.#54096/

Carson C.K. Fincham

Attorney for Applicants

Registration No. 54,096

cfincham@walkerdigital.com

203-461-7017 /voice

203-461-7300 /fax

¹ A previous amendment added two (2) new claims numbered **57**. One of the amendments presented herein simply re-numbers the first claim **57** to claim number **61**, to reflect the proper numbering and proper count of all pending claims.